THE HON'BLE SRI JUSTICE BILAL NAZKI

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION No.6345 of 2006

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ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Pending appeal before the appellate authority, garnishee notices have been issued, and the stay application moved by the petitioner has also been dismissed.

We have gone through the record. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and the garnishee notices and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, it is made clear that, if the petitioner had already deposited any amount, the same shall be given credit to, while caliculating 50% of the disputed tax liability.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, J)

3rd April, 2006

(G.Chandraiah, J)

Note:

Wire at party's costs.

(B/o)

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